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Federal Communications Commission  
Office of the Secretary  
1919 M Street, NW, Room 222  
Washington, DC 20554

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I am writing on behalf of the 24 members of the California Foundation for Independent Living Centers (CFILC). We are the professional association of Independent Living Centers in California, who work with over 30,000 persons with all types of disabilities annually. These comments represent our views of the FCC's rules to enforce Section 255 of the Telcom Act.

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### 1. Access Board Guidelines

It is crucial to persons with disabilities that you adopt the Access Board Section 255 guidelines for both manufactures and service providers.

As a member of a disability advisory committee for a major telephone company, I have spent many frustrating hours talking to handset manufacturers who believe they will not get a return on their investment for access features. This, in turn, frustrates the efforts of the telephone service provider to make accessible equipment available. This leads to many persons with disabilities unable to access wireless technology, for example or messaging services that print out on a handheld set.

The wireless communication technology is a good case in point. While many people with hearing aids still cannot use the digital phones, persons with limited hand mobility have a hard time hanging onto the slippery plastic that contains the telephone parts. Visually impaired persons cannot see the menu on the telephones to use the equipment properly. Persons

- Adult Independence Development Center - Santa Clara
- Center for Independence of the Disabled Belmont
- Center for Independent Living - Berkeley
- Center for Independent Living - Fresno
- Central Coast Center for Independent Living - Salinas
- Community Rehabilitation Services Los Angeles
- Community Resources for Independence Santa Rosa
- Community Resources for Independent Living - Hayward
- Dayle McIntosh Center for the Disabled Anaheim
- Disability Resource Agency for Independent Living - Modesto
- Disabled Resources Center Long Beach
- FREED - Grass Valley
- Independent Living Center of Kern County Bakersfield
- Independent Living Resource - Martinez
- Independent Living Resource Center San Francisco
- Independent Living Resource Center Santa Barbara
- Mann Center for Independent Living - San Rafael
- Placer Independent Resource Services - Auburn
- Rolling Start Inc. San Bernardino
- Service Center for Independent Living San Gabriel / Pomona Valley
- Southern California Rehabilitation Services - Downey
- The Access Center of San Diego San Diego
- Westside Center for Independent Living Los Angeles

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with cognitive impairments or who need a bit of time to process the directions are lost in the speedy menu systems. All of these issues must be resolved by the manufacturer before the service provider can offer accessible equipment. So far the market has not been successful in driving manufacturers to consider the disability community's needs.

As new technology proliferates, it is important that everyone be able to use it for work, safety and staying connected. If analog phones are going to be the dinosaurs of tomorrow, we need to make sure that the equipment as well as the services of tomorrow is **useable** by all.

## 2. Readily Achievable

Defining the term "readily achievable" in such a manner as to allow telecommunication service providers to calculate whether it will recover the cost of access and the extent of the market is totally inconsistent with other disability laws that use the same term. This defeats the purpose of Section **255**! The example of digital handsets is a perfect example. Manufacturers are not interested in putting in solutions to the access features because they do not believe that we are a market to compete for. Thus, the service provider is scrambling for equipment to sell to their customers with disabilities.

**CFILC** recommends that the FCC adopt the traditional definition of readily achievable as it appears in the ADA.

## 3. Enhanced Services

As directors of agencies, all of us have faced situations where we would like to hire a person with a disability for jobs that may require heavy use of the telephone. Not just reception work, but information and referral, or supervising employees in the field or who are telecommuting, that require using a telephone service such as directory assistance, voice mail, or interactive voice response systems. Unfortunately the telephone posed such a problem that all of us have passed on a good candidate at one time or another.

If the FCC allows "enhanced services" not to be covered under Section 255 because they are considered information services and not telecommunications services, people with disabilities will remain

second class citizens unable to work or participate in the coming information highway.

CFILC urges the FCC to extend Section 255 to include access to information services.

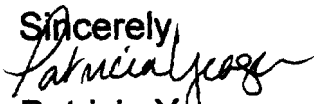
#### 4. Complaint process

CFILC supports the complaint process as proposed. It is very important for the FCC to get good information on access to telecommunications products and services and a good complaint process will help with that. Specifically, we support:

- No filing fee for informal or formal complaints with the FCC against manufacturers and service providers. The cost of filing a complaint may be a barrier to getting feedback from consumers.
- There should not be a filing deadline for complaints as problems with access may arise at any time.
- Consumers should be able to file complaints by any means they have available.
- Manufacturers and service providers should establish a point of contact in their companies that are accessible to persons with disabilities. This will help a dialog to develop between the two.

Telecommunications are fast becoming the interstate highway and local roads that connect communities, business enterprise, and social interaction. To not enforce universal design for telecommunication equipment and services virtually insures that people with disabilities will be left behind. Unable to work or participate in the economic life of the community will keep us dependent on others and tax payer dollars all for the lack of enforcement of access for all.

Thank you for the opportunity to comment on the proposed regulations for Section 255 of the Telcom Act.

Sincerely,  
  
Patricia Yeager  
Executive Director